

*Approved Minutes  
South Florida Ecosystem Restoration  
Working Group Meeting  
Key Largo, FL  
September 9, 2002*

**Welcome and Introductions**

COL May called meeting to order at 1:20 PM noting this was the first Working Group meeting for the audio portion to be broadcast via the web. However, he clarified public comments could only be made in person. Thaddeus Hamilton made a motion and Ray Scott seconded for the agenda (Encl. 1) to be ratified. Draft minutes (Encl. 2) from July as well as the draft summary from August (Encl. 3) were provided for approval the following day. Billy Causey welcomed the group to the Keys. Fred Rapach asked about seeing the final version of the Strategic Plan as well as receiving an update on the hearings that took place in Washington. Rock Salt said the newly approved version will be posted on the web in a few days and the printed version will be provided in a few weeks.

<b>Working Group Members</b>	<b>Sep. 9</b>	<b>Sep. 10</b>	<b>Alternates</b>
Ernie Barnett – FL Dept of Environmental Protection	√	√	
G. Ronnie Best – U.S.G.S.	√	-	
Brad Brown – NOAA, National Marine Fisheries Service			
Billy Causey – NOAA, FL Keys Nat'l Marine Sanctuary	√	√	
Kurt Chandler – Bureau of Indian Affairs			
Kathy Copeland – South Florida Water Management District	-	-	Joni Burda
Wayne Daltry - Southwest FL Regional Planning Council	√	√	
Gene Duncan – Miccosukee Tribe of Indians of FL	√	√	
Maureen Finnerty – National Park Service	√	√	
Roman Gastesi, Jr. – Miami Dade County	√	-	
George Hadley – U.S. Dept of Transportation			
Thaddeus Hamilton - U.S. Department of Agriculture	√	√	
Richard Harvey – Environmental Protection Agency	√		
Ronald Jones – Southeast Environmental Research Center			
Barbara Junge – U.S. Attorney's Office		√	
COL Greg May - U.S. Army Corps of Engineers	√	√	
Peter B. Ortnier – NOAA	√	-	Judy Gray (Day 2 only)
Donna Pope - FL Dept. of Transportation	-	-	Marjorie Bixby
Fred Rapach – Palm Beach County Water Utilities Dept			
Terry Rice – Miccosukee Tribe of Indians of Florida	√		
W. Ray Scott - FL Dept of Agriculture and Consumer Services	√	√	
Jay Slack – U.S. Fish and Wildlife Service	-	-	Barry Rosen
Rick Smith - Office of the Governor of Florida	√	√	
Ron Smola – U.S. Department of Agriculture	√	√	
Steve Somerville - Broward County Department of Natural Resource Protection			
Craig Tepper - Seminole Tribe of Florida	√	√	
Henry E. "Sonny" Timmerman - Department of Community Affairs			
Kenneth S. Todd – Palm Beach County Water Resources Manager	√	√	
Joe Walsh - Florida Fish and Wildlife Conservation Commission	√		
Julio Fanjul, Special Advisor	√	√	
Rock Salt, Special Advisor	√	√	

**Whip around**

Ernie Barnett reported his office is working with the ERC to establish phosphorus standards. Stakeholders will begin presenting their presentations on alternative approaches.

Ron Smola reported the 2002 Farm Bill increases funding to USDA and NRC considerably. Funds withheld by OMB on the Wetland Reserve Program were released this past Friday.

Thaddeus Hamilton thanked COL May and the District for providing the South Florida Ecosystem Restoration Council with – to see from the air how the whole ecosystem fits together.

Ronnie Best provided information on five USGS workshops (Encl. 4 a – e).

Billy Causey announced the Coral Reef Task Force would be meeting in Mayaguez, P.R. from October 2 – 3, 2002. He encouraged everyone to pay attention to the coral reef program. Joanne Delaney has now moved to another office. A new broader position that will be funded jointly with Peter Ortner's office to fill some of the void created by Joanne's departure.

Craig Tepper reported the Seminole Tribe is moving along with their Critical Project in Big Cypress, first phase to be completed by the end of March. Tribe is looking forward to the Corps' participation.

Peter Ortner said he met with the folks from the Florida Bay/ Florida Keys feasibility study to coordinate expectations of what NOAA will be doing over the next few years and it went well.

Fred Rapach said the utility and user groups are spread thin trying to cover the Water Management District's rule revisions, DEP's 6240 revisions as well as Programmatic Regulations and pre CERP baseline issues.

Rock Salt reported the Senate Committee on Environment and Public Works, now chaired by Jefferds (sp), planning four panels with likely witnesses on the federal side include Undersecretary Brownlee, Ann Klee and Tom Gibson. There is a state panel and Secretary Struhs; third panel is a private panel and the Chairman may testify. There is also an interest group panel and Shannon Estenoz has been called to testify. Senator Jefferds and his staff handle all decisions as to who will testify.

Rick Smith reported the Seminole Tribe Water Compact amendment would be before the Florida cabinet. He said he was pleased at seeing the twelve recommendations from WRAC on the Land Acquisition Strategy.

Marjorie Bixby had nothing to report.

Wayne Daltry reported SW Florida is creating an RCDC to follow-up the Department of Agriculture programs, trying to use that organization to address fire hazards and emergency preparedness. Lee County requested a pre CERP reservation flow supported by the National Estuary program. Caloosahatchee River festival planned for late winter or early spring to look at the river from a smart growth perspective. Reconnaissance study request has been sent to Jacksonville. Hendry and Glades counties concerned with the land acquisition and have requested DCA and the Governor's office to help get money to meet their water and sewer needs.

Ken Todd reported the Florida Association of Counties would be meeting later this week to discuss water resource issues affecting the counties and he would provide a report to the Working Group at the next meeting.

Gene Duncan reported there was a decision by the 11<sup>th</sup> Circuit Court of Appeals regarding the applicability of the Federal Advisory Committee Act (FACA). <http://laws.finelaw.com/11/01162260pm.html>

Terry Rice said the water quality hearings are scheduled before Judge Hoeveler the following week. Rock Salt asked whether the hearing was on the appointment of a Special Master. Terry clarified the settlement agreement is not proceeding as expected and the judge wants to hear on tribe's concerns.

Richard Harvey confirmed Tom Gibson would be at the hearings. A technical group has been pulled together as a follow-up to Lake Toho tour. He would be attending the ASR conference from September 22 – 27, 2002. ASR Issue Team will be meeting and an update will be provided at the November meeting. Ray Scott reported there is an agreement on the Conservation Reserve Enhancement Program (CREP) with USDA and they are working on the final language. Looking to partner with the Nature Conservancy and USDA to develop a Stewardship Agreement, which allows you to tailor agreements for the Kissimmee and Okeechobee basins.

Julio Fanjul reported WRAC created two Committees, one on the Pre CEPR baseline and their first meeting is scheduled for Sept. 19 at the District. Also created a Committee to look at the rulemaking process and they will have a series of four meetings commencing on September 30<sup>th</sup>. Working Group members invited to participate and provided with a calendar (Encl. 5). Next full WRAC meeting scheduled for October 7 in south Dade.

Joseph Walsh encouraged everyone to pay particular attention to those CERP projects that will have system-wide impacts, i.e., Reconnaissance Phase for additional water deliveries to Everglades and Biscayne National Parks as well as the Master Recreation Plan. First meeting is scheduled for September 18<sup>th</sup>.

Barry Rosen for Jay Slack had nothing to report

Joni Burda for Kathy Copeland reported the SFWMD reached an agreement to purchase 7,200 acres at the Allapattah Ranch for \$21 million pending approval of the Governing Board in October. An initial 13,000 acres have already been purchased.

Billy Causey reported the five-year review required by the Co-Trustee Agreement with the State of Florida was just completed favorably. Sixty percent of the Sanctuary lies in state waters and 40% in federal waters.

Ronnie Best offered to provide those that are interested with a copy of the USGS Report on Interactions between Surface Water and Ground Water (Encl. 6). Fred asked Ronnie to provide a summary of USGS' studies that are ongoing.

Roman Gastesi said Mayor Penelas has also been invited to testify on behalf of Dade County on Friday.

#### CROGEE Update

Peter Ortner said the Florida Bay report from CROGEE contained no new information. It acknowledged the need to have a feasibility study and highlighted research areas that have been in focus for a long time. The use of some language such as "undesirable" in reference to conditions of Florida Bay as a result of CERP was unfortunate. Document has not been mailed out officially and is only available from the web. The report validated what is already in place including what was pointed out in the Florida Bay Feasibility Study. Next CROGEE meeting scheduled from Oct 14 – 16 to discuss flows and levels in the historic Everglades ridge and slough system. Rock Salt noted one of the four work plan items was performance measures and one of the ten was finding a better consensus of what historic flows means. Billy Causey commented on the amount of spin in the press after the report was released. He hoped people understood that an estuary is not the mature lagoon currently in Florida Bay and going back to estuarine conditions will result in changing what is there now.

#### SCT Update

Ronnie Best reported the Florida Bay Conference scheduled for April 14 – 15, 2003 and the GEER Science Conference scheduled for April 16 – 18, 2003. Specific details including the registration fee, which will allow attendance to both events, are being worked on. SCT has discussed the possibility of follow-up review of the Cape Sable Seaside Sparrow and the need to revisit the science. SCT is proposing an avian ecology review to look at several species i.e., sparrow, snail kite, roseate spoonbill and woodstork. Another recommendation was to review the science relevant to the decision process and how it is used. SCT and WG would jointly sponsor the workshop. Rock Salt noted Ms. Klee was interested in moving to a multi-species approach and asked for input on this draft (Encl. 7), which will then be presented to the Task

Force at their next meeting. Rick Smith asked whether there were other species that could be looked at and also asked why the focus is limited to one group. He did not object to peer review but did not want to see water kept higher in the state's Everglades.

Terry Rice said it is a multi-species problem and to look at just the avian problem is not sufficient, need to look at all of it. Ronnie noted that one suggestion was to look at all threatened and endangered species within the Everglades and perhaps this is part one of a series. John Ogden explained this is taking those lessons learned from the sparrow and broadening beyond the sparrow to be better prepared. Billy Causey acknowledged they have been struggling with this issue for many years and suggested having a series of workshops to allow issues to be laid out. Barry Rosen agreed this would help identify the gaps. **Follow-up: Discussion to continue this evening to flush out the recommendation for the Task Force.**

#### Water Quality Update and Discussion

Effects of CERP on the Everglades Protection Area - Tom Teets provided a presentation (Encl. 8) focusing on the Everglades Protection Area. He provided an overview of the benefits of the plan and noted there will be an additional 7,000 acres of stormwater treatment areas. Currently in the process of embarking on a number of PIRs and water quality features will be looked at as part of the process. These PIRs will then be used in the state and federal decision-making process. Monitoring and adaptive management will be used throughout the process to keep the system-wide focus. He reviewed the different projects around the system. Fred Rapach asked about the acceptable water quality standard for water that will be injected. Tom explained it is on a parallel track with the ASR pilot project looking at die off issues.

Integrating Water Quality into CERP Projects - Dennis Duke provided a presentation (Encl. 9) on how water quality will be addressed through CERP projects. CERP projects will be implemented to ensure the protection of water quality. Will face a lot of challenges dealing with the part coming from rainfall or the soil column for example, not all phosphorus related. Each PIR is the vehicle by which the project is developed and designed to meet applicable water standards. The Project Delivery Team has to meet the challenge of analyzing all the parameters. Richard Harvey noted this does not mean the receiving water will be brought back into full compliance since there could be residual water quality issues that the STAs could never address. Richard said it was agreed after discussions held at his office that the PDTs would be directed to do their best to improve water quality features recognizing there are other things going on. PDTs would identify what it would take for the watershed to meet the standards. Ernie Barnett said a lot of it would depend on the status of the other water quality programs when the PIR is developed. CERP is not expected to take care of the water quality problems in the basin, which is the responsibility of the state. Ernie Barnett added that even if treatment beyond what is currently available today, there are legacy pollutants and trophic conditions that need to be dealt with under different authorizations above and beyond CERP. Richard explained they are just trying to figure out the extent to which CERP can and will address water quality problems without having unreasonable expectations.

Thaddeus Hamilton asked whether those contaminants from different sources are being addressed such as those from non-point source pollution and offered his assistance on this issue. Wayne Daltry said there is an opportunity to put in place a prototype project in Lee County to deal with the mitigation in an urban system as an overall watershed mitigation planning effort, based on feasibility study. Terry Rice said water quality normally taken care of by the Clean Water Act, now CERP is required to meet the water quality standards. Ernie Barnett said his interpretation is that all the features need to meet applicable state water quality standards regardless of where it is. Richard Harvey said it was his expectation that the PDTs would be charged with trying to figure to what extent the water body could be cleaned up. COL May said if the information is available, it could be considered by the PDT, the state then has the opportunity to use the CERP process at an adjusted cost-share as an efficient way to address another problem. It would be an opportunity but not a requirement. Rick Smith asked whether every water body down here would be the subject of clean up to restoration standards. Richard Harvey responded that he has never said CERP will fix all the problems. CERP, along with programs will complement each other and a realistic and common understanding of what CERP will or will not do is needed. Wayne Daltry said the SW Florida Feasibility Study will bring Goals 1, 2 and 3 together, participants there realize they may use the dirty water as a water resource, they have to understand the urban and agricultural footprint and which areas need to be amended

to meet restoration goals. They also need to build TMDLs and the local participants will participate in the Study.

Water Quality Feasibility Study – Greg Knecht who introduced himself as the new Coordinator for FDEP, provided a presentation (Encl. 10) on the feasibility study. He reviewed the tasks the PDT has come up with some of which include identifying: linkages between water quality and ecosystem functions; degraded and at risk water bodies; as well as developing pollution load reduction targets. Intent is to get it all to work without duplicating efforts and eventually identify funding sources. Scoping/PMP Phase to be completed in the next few months followed by the start of the Feasibility Study and technical tasks will be completed by late 2006. Fred Rapach asked how impaired water bodies would be identified. Greg explained that the existing impaired water rule would be the starting point and the team will also look at what could be done for at risk waters. Billy Causey asked whether there is a comprehensive list, beyond nutrients, that will be looked at. Greg explained that the question of what problematic water quality constituents are out there is being asked.

### Programmatic Regulations

Stu Appelbaum provided a Power Point Presentation (Encl. 11). Comments will be accepted until October 1<sup>st</sup> and two public meetings scheduled for September 10<sup>th</sup> and 19<sup>th</sup> at Florida Memorial College and West Palm Beach respectively. Comments may be provided in writing, via e-mail or using the comment form on the website. He provided an overview of what is in the current proposed rule including the preamble subparts A – E and the appendix which will contain figures currently in the federal register (Encl. 12). Once public comment period ends, the 180-day concurrence period officially begins on October 2nd. The intent is to continue to consult with the Task Force, Working Group and WRAC. Those projects implemented under additional program authority may not exceed total cost of \$ 25 million with the aggregate total not exceeding \$206 million. RECOVER documents are not self-executing and will be provided to the Corps and the SFWMD for review. The Secretary of the Army, Secretary of the Interior and Governor in consultation with the Task Force will establish independent scientific review panel. Those reports prepared by the panel will be provided to the Secretaries, Governor, Task Force and the public. Other review panels will be established as necessary. He reviewed the PIR process noting every time a PIR is completed and approved by Congress then it represents a change in the plan by definition. Periodic reports will be provided showing “how the plan looks like today”. Subpart E deals with ensuring protection of the natural system and water availability consistent with the goals and purposes of the plan. Corps and the SFWMD must develop the Pre-CERP baseline, only way to carry out the requirements of WRDA, by no later than June 2003. Guidance memorandum will be developed providing the process to be used for preparing PIRs. PIR will take into account pre-CERP baseline water and previously reserved water. PIR will include analyses to determine if existing legal sources of water are to be eliminated or transferred. If elimination or transfer will occur, then the PIR will include implementation plan that ensures elimination or transfer will not occur until a new source of comparable is available. Flood protection will be consistent with restoration, preservation and protection of natural system. PIR will determine the level of service that existed on the date of enactment of WRDA 2000 and show the level of service will not be reduced by implementation of a project. RECOVER will develop recommendations to interim goals by June 30, 2003. They will consider indicators in (hydrologic, water quality and ecologic) in developing the recommendations. Projects will be sequenced and scheduled to achieve the interim goals and targets to the extent practical given funding, technical or other constraints. Periodic reports will be provided to Congress beginning on October 1, 2005. Reports will include a description of the work accomplished, funds expended and the work anticipated over the next five years as well as an updated cost estimate. Next steps include preparing the final rule for OMB review, obtaining concurrence of the Governor and the Secretary of Interior and publishing the final rule in the federal register.

### Update on Water Projects and Initiatives

Dennis Duke provided an update on Corps projects (Encl. 13):

- Indian River Lagoon – notice to be published on September 13<sup>th</sup> in the Federal Register. Final Feasibility Report to congress in WRDA 2002. Total cost is \$995.9 million. Special PIR now starting.
- Southern Golden Gate Estates - Preparing PIR, reevaluating the alternatives to reduce cost and potential flood impacts. State acquired 92% of the needed lands.

- Water Preserver Areas – feasibility Study being transitioned into nine separate PIRs. The size of the area affected by the planned activities that would have been addressed in a large feasibility.
- Modified Water Deliveries - Federal judge ruled on the 8.5 square mile area and work suspended on Tamiami Trail improvements, seepage canal, levee and S357 pump P&S, STA design and new real estate acquisition efforts. Work continuing for ongoing contracts for design to logical conclusion and certain relocation efforts for lands already purchased.
- CERP Decomp and Sheetflow Enhancement - PIR efforts suspended on Aug 13 due to federal ruling on the 8.5 square mile area. Project cannot be completed until completion of Modified Waters Delivery.
- Interim Operation Plan - Record of Decision signed on July 2<sup>nd</sup> approving alternative 7R. Water Quality Certification received from DEP.
- Combined Structural and Operational Plan (CSOP) - Continuing efforts toward development of CSOP. Developing base, existing and future conditions as well as performance measures. Seeking a larger group of stakeholders through the WRAC involved in the planning effort.
- CERP ASR Regional Study – Purpose is to evaluate potential regional impacts of proposed large scale ASR implementation.
- ASR Regional Study - Draft PMP reviewed by CROGEE due Sept 30, 2002. Public review comments due to October 31, 2002. Contingency plan under development.
- Florida Keys Carrying Capacity Study – Second technical review of the will be completed by December 2003 with study finalized in January 2003.
- Florida Keys Water Quality Improvements - Draft PMP and Program Implementation Guide due this fall.
- Florida Keys Tidal Restoration – PIR being prepared.
- Florida Bay/Florida Keys Feasibility Study - Study underway and completion anticipated in February 2006.
- CERP Program – Fifteen PMPs completed and nine underway. Six pilot design reports underway as well as nine PIRs. Master Sequencing Update underway as well as the Feasibility Studies for Florida Bay/Keys and Southwest Florida.
- Critical Projects - C-4 construction to be complete in November 2002; C-11 construction underway; Lake Trafford award postponed; FKCCS final report due in January 2003; Lake Okeechobee to be awarded this fall; Ten Mile Creek award scheduled for later this year; Tamiami Trail Culverts design underway; Southern Crew structure complete with land acquisition continuing; Seminole Big Cypress construction underway.

## Flooding 101

Rock Salt noted Dexter Lehtinen and Mayor Diaz raised questions as to whether the IOP would increase flooding and as a result in the recommended amendments, they asked for a comment in the Strategic Plan that the Task Force would look at flooding. Time will be dedicated at the next Task Force meeting to discuss flood protection and levels of service. COL May noted this is intended to be elementary to give a framework to better discuss flood protection. Dennis Duke provided a presentation (Encl. 14) on flood control concepts. He reviewed the Corps of Engineers mission and the requirement for projects to be justified based on benefits derived. Flooding is the result of excess surface water, ground water and the interaction of the two. Federal flood started in the 1936 Flood Control Act depends on authorization and appropriation and is designed for a level of protection to be provided. A flood protection project is defined by level of protection. Flood protection is a combination of policy, physical features and operating criteria. The risk of flooding is reduced by policy but is influenced by factors such as rainfall, hurricanes, drainage system, development and zoning among other things. Ongoing federal efforts that affect flood protection include C-51 (West Palm Beach canal, C-111, Critical Projects, IOP, CSOP, Modified Water Deliveries to ENP, C-4 Canal Evaluation and the Miami-Dade Canal Study. COL May noted they are looking at what is currently in place, in some cases local communities have moved forward with their own efforts. The federal, state and local governments have to work together in laying out those things that need to be addressed both in the short and long term. Terry Rice noted the authorized protection level was very high and not near providing that level in many areas. COL May explained it takes all the agencies working together to solve this and no single agency can do it. Terry Rice stated Miami Dade County has come forward with the secondary system and it is the primary system that is not moving as fast. Roman Gastesi

said there are \$800 million in local projects that have been identified that will take about 5 years to complete with some improvements to the primary system already underway. Wayne Daltrey said getting their hands around flood control planning is key as pointed to Southern Crew as an example of how water can be stored successfully.

#### Coral Reef Protection Program

Billy Causey introduced the monitoring program that has been in place for over six years. FKNMS Protection Act that authorized EPA, NOAA, state and local agencies to develop a water quality protection program and set up a long term monitoring program with a focus on corals and seagrasses. It is critical to note changes that take place and have the long-term baseline to refer to.

Seagrass and Water Quality Monitoring – Bill Kruczynski stated coral reefs and seagrasses evolved and can out compete when the water is clean. He described the efforts of the monitoring program performed by Ron Jones and Joe Boyer from FIU, has been ongoing for seven years. He showed how the data is collected from the 154 fixed stations and reviewed the findings.

Coral Reef/Hard Bottom Monitoring Project – Jennifer Wheaton reviewed the project, which was fully funded by EPA for the first five years and the then jointly funded as a partnership by EPA and Coastal Ocean Program. A proposal has been received to expand the program as far north as Palm Beach County. She explained the methodology used throughout the 40 monitoring sites that are managed by FFWCC. There was a significant drop in coral cover from 1998 – 1999 throughout the Keys with leveling off since 1999 to present. It was determined the Black Water Tide event that took place from February – March was dominated by a diatom bloom fed by runoff sources. Billy Causey noted that many of the folks from the Keys are looking for a “smoking gun” and even developed conspiracy ideas for what was happening.

Spiny Lobster, Queen Conch and Sea Urchins Monitoring – John Hunt reviewed the monitoring efforts and the results. Monitoring has shown few changes in the FKNMS. Size and abundance of lobsters have increased over a short period of time, which has been attributed to a closed fishing area. Next study will look at spillover and whether nearby areas are enhanced. Queen Conch fishing prohibited in Florida since 1985 with population recovery being very slow. Sea Urchin overgrazing event discovered in August 1997. Urchin densities have now returned to normal levels.

Peter Ortnier reviewed the physical science program being conducted by NOAA and the University of Miami. Physical data gathered through continuous sampling as well as event driven sampling designed to respond to specific things.

#### Public Comment

Patrick Hayes (Loxahatchee River Coalition) echoed Rick Smith’s comments regarding indicator species. When the minimum flows and levels were set for the Loxahatchee, the focus was on the trees and the land. There should also be a focus on aquatic creatures. He noted his concern with how the environment is treated in the pre-CERP baseline. The permit holders seem to be the ones addressed with the environment getting the leftovers. Those areas such as the riverine systems and sloughs, which have been drying out are not getting appropriate attention. Assurances from WMD and COE that the entire northern plan would be expanded to include the watershed of the Loxahatchee River, he asked for an update at the next meeting.

Jody Thomas (Nature Conservancy) welcomed the group to the Keys and deferred comments until the following day.

Madeleine Fortin (8.5 SMA resident) commented on the discussion held that the Corps projects may be authorized and not flooded or vice versa. The Modified Water Deliveries project was both authorized and funded yet the Corps hasn’t done it. The federal Judge rule the Corps’ action in trying to implement 6d is illegal and they are now seeking to expand its authority through DOI appropriation bill. The language contemplated will make the Corps’ actions exempt from NEPA.

Meeting Adjourned at 7:30 PM.

*Approved Minutes  
South Florida Ecosystem Restoration  
Working Group Meeting  
September 10, 2002*

Meeting called to order at 8:40 AM. Discussion held on OEEECT motion #1 which was tabled at the July meeting and Thaddeus requested this item be continued. Wayne Daltry made a motion and Thaddeus Hamilton seconded, motion carries for this to be discussed at the next meeting. Patti Webster requested the Broward County position paper on Ken Ammons' white paper presented at the joint meeting be a part of the record. Julio Fanjul made a motion to approve July minutes and Wayne Daltry seconded. Working Group approved July meeting minutes.

**Southwest FL Regional Restoration Coordination Team**

Wayne Daltry clarified the action taken at the July meeting. The "wish list" is provided as information to the agencies who are encouraged to put the request on their to do list, but does not compel them to take a specific action. The purpose of the presentation is to inform the Working Group of the needs of that region. Rock added that recommendations by the regional teams are to be brought back to the Working Group – no independent authority.

**Land Acquisition Strategy**

Rick Smith thanked the WRAC for their recommendations (Encl. 15). Members were provided with the requested changes (Encl. 16). It is recognized that there is a need to come back at a later date and add the local land acquisition efforts. Julio Fanjul reviewed the WRAC recommendations. Pamela Mac'Kie clarified the WMD's position internally is that they have a firewall between their permitting section and their acquisition section and they will not trample on people's property rights by influencing permitting decisions for lands they have as a possibility for acquisition. She said it is more important for CERP since it is an evolving process. Their job is to try to anticipate where property values are expected to increase and that is where they take the risk of acquiring lands earlier. Wayne Daltry noted section three provides a great opportunity to bring local government into the restoration effort. Ernie Barnett said this is not the umbrella of all land acquisition, but a report to Congress. Florida will continue with its land acquisition projects, such as CARL, and he suggested it be a compendium of projects possibly added as an appendix. Fred Rapach said that this is a disservice to local governments and represents a significant piece of the picture. Patti Webster agreed with Fred and added that local governments want to be a part of this and it is not fair to local governments. She hoped that as this document evolves, the local piece would be included in the next iteration. Rock Salt stated this topic will be deferred and those WRAC changes and edits that are easy will be made. Joseph Walsh noted the state's program to protect species is not considered in this document similar to the multi-species recovery. **Action: Ron Smola proposed Working Group member changes be accepted as well as the state's comments. Motion passed unanimously.**

**Land Acquisition and Permitting Issues**

Gene Duncan asked for clarification on when it is that a person loses his property rights and how long can someone be denied a permit. COL May said it would be helpful to have a discussion on what constitutes property rights. Bill Baxter said the courts have repeatedly said they will not give the answer, but give the principles on a case-by-case basis. He acknowledged this is a difficult issue. A study has been proposed to look at the law using neutral mathematical analysis, but there is no consistency in the cases. Gene urged the conceptual footprint be identified quickly to know what lines need to be acquired. The question is what happens to the landowner when that boundary has been defined. Is the property no longer worth what it was before the line is drawn? Bill Baxter reviewed those differences between federal and state law. Rick Smith clarified the SFWMD and state is not authorized to condemn lands unless there is a clearly defined project. Florida is one of the best states in the nation in protecting private property owners. Bill Baxter clarified federal policy forbids inverse condemnation and forbids augmenting your acquisition budget by using your regulatory program and it requires that consistent decisions be made. Isaac Hoyos said the local government does not change the land use designation of a property based on a decision of another level of government to acquire a property. Gene noted the Miccosukee Tribe is buying natural areas all over the place to preserve the property. Landowners should be asking questions on whether their rights would be



taken away for the benefit of other property owners. Pamela Mac'Kie said the answer is yes but they will be compensated.

#### Foster Compatibility of the Built and Natural System

Bonnie Kranzer said this presentation is intended to be a primer on population projections and the methodology. One half of the population of the state of Florida lives in south Florida. Population is projected to be at 12 million by 2050. She reviewed the population trends since the 1900s based on the base population (residents) in addition to the roughly 20 million visitors, seasonal residents, and migrant and undocumented workers that come in and out of the state. These individuals are often undercounted or not counted at all. Populations affect land use, lost 50% of land use because of people's use of the lands and the trends will continue. There is increased compartmentalization and compression. There is a need to move the water for flood control and water supply. Water demand for south Florida will continue to increase to an expected 1.3 trillion gallons per day by 2020.

Richard Ogburn reviewed how population projections are made as well as some of the issues and trends. Population projects are based on a series of things such as the census, population estimates which are estimated every year in between and population projection. Six out of ten people in the four counties are born abroad and there are no reliable measures of net migration. Housing units multiplied by number in household is the basic methodology used to estimate the population in the years in between the census. There was an undercount of 250,000 people for the four county area in the estimates prepared for the State of the Florida. Southeast Florida population growth was not estimated properly since net migration is difficult to estimate and international migration is a major factor. Issues in projection approaches include lack of a consistent estimation and forecasting process as well as different methodological approaches. New approaches include more frequent update of the population as well as the use of local geographic information systems.

Oliver Kerr reviewed the traffic analysis zones and other data done independently of the official University of Florida census data. The data tends to be sharper since it is for 67 counties. Analysis for Miami Dade County is clearer since it doesn't require the mathematical extrapolation like that needed to analyze the statewide data. Larger counties have more detail. The nub of the problem is international migration and a better handle is needed on tracking this information. The INS data is partial and only capture those persons entering legally. The immigration population in Miami-Dade is over a million. The analysis is done based on the vacant land available and analyzing how many people can be accommodated taking into account the current population. The urban development boundary as well as this information is given to the County Commissioners to formulate a planning projection to accommodate future growth. Rick Smith asked whether the population projections for the 16 counties are available to the SFWMD. Bonnie responded that the SFWMD is required do an update of the projections every 5 years. Julio clarified population projections are used by the SFWMD to formulate the water supply plans. Bonnie responded that the question is not just the number of people but how that translates into resource use. Rock said that it is his understanding that the macro information will be provided to the local governments. The Regional Planning Councils are trying to formulate a micro process to provide regional projection information to better inform local governments.

#### Biscayne Bay RRCT Update

Rhonda Haag reported the team has prepared a draft action plan and a ranked project list that will be presented to the Working Group at a future meeting. The annual report will be updated and presented in January. The team is asking for project nominations from both members and non-members on the six areas. The next annual report should be given at the November meeting. There is a program support position for the team advertised split 50% between support for the team and support for the SFWMD. Rhonda will have a new role with the WMD doing CERP outreach. The next team meeting will have a briefing from SFWMD staff on land acquisition. Joni Burda nominated Humberto Alonso to be the new Chair and the Working Group agreed.

## OEEECT

Thaddeus Hamilton reported that a good response has been received from the Working Group members on the survey. He asked those that have not yet responded to contact Carrie Beeler, 305/348-1665 to complete this step.

## CERP Outreach Update

Nanciann Regalado reported COL May has requested that periodic updates on this topic be incorporated at each meeting. This first update includes not only what outreach is but how outreach is being done in hopes of identifying those things the Working Group would like to know more about. Outreach is public information and public involvement as defined by the Corps and the SFWMD. There is a long history of outreach on the Restudy, which resulted in an expectation that this model of outreach will be used in the future. The goal is to make outreach a natural part of the CERP implementation process similar to modeling and design. Outreach is important because the public has the right to know what is going on and have the opportunity to be involved. Project managers need public involvement to formulate a plan that can be implemented. Rhonda Haag and Nanciann are the team leader for the SFWMD and the Corps. Outreach folks are assigned to the individual PDTs and project level outreach is being tailored to the particular project and to the people affected by that project with the goal of building relationships with the community and involving them in the process. Program level outreach needs are also being addressed to include interagency communication, environmental education and environmental justice. Patti Webster announced that Broward is initiating a new program entitled "Water Matters", a great opportunity for pro-active media.

## Museum of Discovery and Science

Ron Smola noted the long-range plan was presented to the Working Group in May 2001 with three phases. Phase I has been completed. A brown bag lunch is being offered by the museum on Sept. 18 (Encl. 16) for the environmental education folks to get more information on the effort. He introduced Kim Cavendish, President and CEO of the museum. Ms. Cavendish invited the Working Group and those that are interested to see the new interactive Everglades exhibit after the next Task Force meeting. The museum has an environmental education program called "Florida Water Story" and the exhibit that deals with the water story, funded by the SFWMD, is a major exhibit at the museum.

## Executive Director's Report

Rock Salt provided the tracking charts for issues and teams as well as the draft Task Force agenda (Encl. 17 a – c). He noted the House might schedule an Everglades oversight meeting on October 1<sup>st</sup>, which could affect attendance at the Task Force meeting. He asked for topics for the next meeting. There will be discussion on the WRDA 2000 requirement for the creation of a science oversight group in coordination with the Task Force and a decision will need to be made since there is no need to have two groups like CROGEE. Flooding will also be discussed in response to issues raised by Mayor Diaz and Dexter Lehtinen. Ribbon cutting ceremony also planned at Museum of Discovery and Science. This will be a very healthy agenda and mirrors the concerns expressed by Rick Smith on the agendas at Working Group meeting.

## Public Comment

Patrick Day (Friends of Jonathan Dickenson State Park) said he felt his comments have made a difference. He suggested that a representative is needed from the State Park system since Maureen Finnerty is representing the National Park Service.

Dave Friedrichs (Dade County Farm Bureau) stated that outreach is the most important aspect of this process and communications problems are endemic. His goal is of communicating the work of this group to others who do not have a clear idea. He emphasized communicating in plain English what this effort is about. The misinformation on Everglades restoration is astonishing. He asked that the outreach effort include folks from the Chamber of Commerce, some folks off the street to help craft the multi-level marketing game that will be necessary to leverage more people to engage in this effort. The Dade County Farm Bureau stands ready to assist in this effort of making the public understand what their needs are and why it is important. He also spoke about the sawgrass rebellion as founding co-chair of the group. It is a

coalition of groups across south Florida that has property rights issues and the objective is to bring national attention to their cause.

#### Open Discussion

Mark Musaus gave kudos to the Palm Beach county commission on the Ag. Reserve area and the 60/40 rule. He noted there has been conflicting guidance on what this means. The planning staff asked the Commission to clarify that there will be no development in the preservation area—primarily west of State Road 7 in the WPA and adjacent to the Refuge.

Mr. Brown (Key West Citizen, Free Press and Keys Papers) said outreach program sounds great. As a 40-year resident he admitted that he really did not know what this group is doing. The press release received was only one-page long with web-site information. He said it is tough to write this story and inform the public on this important work.

Rick Smith offered clarification that each individual agency provides information to the media on their aspect of the plan. Gene Duncan said he hoped to see at least a video feed for future Working Group meetings, which would enable newspapers to run this link and the public could monitor the discussion. COL. May made that commitment.

Patti Webster said she was gratified by Pam Mac’Kie’s commitment to coordinate that information on behalf of the District, which will go a long way to meeting WRAC’s comments.

Meeting adjourned at 12:20 p.m.

#### Follow-up Items:

1. Fred Rapach asked Ronnie Best to provide a summary of USGS’ studies that are ongoing.
2. OEEECT outstanding motion continued until the Nov WG meeting
3. Broward County position paper will be made public in conjunction with the meeting minutes

#### Enclosures:

1. Agenda
2. Draft Minutes July 15 – 16, 2002
3. Draft Summary August 12, 2002
4. USGS Sponsored Workshops (A – E)
5. WRAC Meeting Calendar
6. USGS Report: Interactions between Surface Water and Ground Water and Effects on Mercury Transport in the North Central Everglades
7. Draft Avian Ecology proposal
8. Effects of CERP on the Everglades Protection Area Presentation
9. Integrating Water Quality into CERP Projects Presentation
10. Water Quality Feasibility Study Point Presentation
11. Programmatic Regulations Power Point Presentation
12. Federal Register
13. Update on Water Projects and Initiatives
14. Flood Control Concepts Power Point Presentation
15. Draft WRAC Recommendations
16. Brown Bag Lunch Flier and Phase I Progress Report
17. Executive Director’s Report
  - a. Issue Team Tracking Chart
  - b. Actions/Issues Tracking Chart
  - c. Draft Task Force Agenda
  - d. Working Group Roster